IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

Bail Appl..No. 1193 of 2007()

CRMP.427/2007 of DISTRICT COURT, ALAPPUZHA
C.R.NO.7/07 OF KUTTANAD EXCISE RANGE

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: PETITIONERS

RAJESH, S/O.RAMESH (A3),
H.NO.164(6/283), CHAKKAMADAM KUTHIRAPARAMBU,
MATTANCHERRY VILLAGE, MATTANCHERRY TALUK,
ERNAKULAM DISTRICT.

BY ADV. SRI.A.MOHAMMED

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1193 OF 2007

Dated this the 1st day of March, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner, who is the 3rd accused in C.R.No.7/2007 of Kuttanad Excise Range for offences punishable under Secs.55(a) and 67B of the Abkari Act, for allegedly transporting 310 liters of rectified spirit on 21.1.2007 in a Maruti Omni Van and who was arrested on the same day, seeks his enlargement on bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor opposed the application.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41 A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This application is accordingly dismissed.

(V. RAMKUMAR, JUDGE)

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